

1 **HOUSE OF REPRESENTATIVES - FLOOR VERSION**

2 STATE OF OKLAHOMA

3 2nd Session of the 56th Legislature (2018)

4 COMMITTEE SUBSTITUTE
5 FOR ENGROSSED
6 SENATE BILL NO. 1367

By: Yen of the Senate

and

Derby of the House

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10 COMMITTEE SUBSTITUTE

11 An Act relating to public health and safety;
12 providing immunity from prosecution for drug-related
13 offenses under certain circumstances; providing
14 exceptions; prohibiting the filing of certain actions
15 against peace officers; defining certain term;
16 providing for codification; and providing an
17 effective date.

18 BE IT ENACTED BY THE PEOPLE OF THE STATE OF OKLAHOMA:

19 SECTION 1. NEW LAW A new section of law to be codified
20 in the Oklahoma Statutes as Section 2-413.1 of Title 63, unless
21 there is created a duplication in numbering, reads as follows:

22 A. A peace officer shall not take a person into custody based
23 solely on the commission of an offense involving a controlled
24 dangerous substance described in subsection B of this section if the
 peace officer, after making a reasonable determination and

1 considering the facts and surrounding circumstances, reasonably
2 believes that all of the following apply:

3 1. The peace officer has contact with the person because the
4 person requested emergency medical assistance for an individual who
5 reasonably appeared to be in need of medical assistance due to the
6 use of a controlled dangerous substance; and

7 2. The person:

8 a. provided his or her full name and any other relevant
9 information requested by the peace officer,

10 b. remained at the scene with the individual who
11 reasonably appeared to be in need of medical
12 assistance due to the use of a controlled dangerous
13 substance until emergency medical assistance arrived,
14 and

15 c. cooperated with emergency medical assistance personnel
16 and peace officers at the scene.

17 B. A person who meets the criteria of subsection A of this
18 section is immune from criminal prosecution for possession of a
19 Schedule I or Schedule II controlled dangerous substance, as listed
20 in Sections 2-204 and 2-206 of Title 63 of the Oklahoma Statutes,
21 provided the amount of such controlled dangerous substance does not
22 constitute trafficking, as provided in subsection C of Section 2-415
23 of Title 63 of the Oklahoma Statutes, and for possession of drug
24 paraphernalia associated with a controlled dangerous substance, as

1 defined in paragraph 36 of Section 2-101 of Title 63 of the Oklahoma
2 Statutes. Further, a person is only immune from prosecution for the
3 aforementioned offenses if the offense involved a state of
4 intoxication caused by the use of a controlled dangerous substance
5 by a person or if the offense involved the person being or becoming
6 intoxicated as a result of the use of a controlled dangerous
7 substance by a person.

8 C. A person may not initiate or maintain an action against a
9 peace officer or the employing political subdivision of the peace
10 officer based on the compliance or failure of the peace officer to
11 comply with the provisions of this section.

12 D. For the purposes of this section, "peace officer" shall have
13 the same meaning as defined in Section 99 of Title 21 of the
14 Oklahoma Statutes.

15 SECTION 2. This act shall become effective November 1, 2018.

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17 COMMITTEE REPORT BY: COMMITTEE ON JUDICIARY, dated 04/16/2018 - DO
18 PASS, As Amended.

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